

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
ROMAN ARAGON et al.,	)	
	)	Section 7
Defendants.	)	Jicarilla Apache Nation
	)	

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ORDER AMENDING SCHEDULING AND PROCEDURAL ORDER

THIS MATTER came before the Special Master at the October 29, 2008, status conference on the progress of the adjudication of the Rio Chama Stream System. Having heard the comments of counsel and being otherwise fully advised in the premises, I find the following:

1. The Jicarilla Apache Nation and the State of New Mexico, ex rel. State Engineer, have been diligently conducting field inspections and cooperating on resolving issues concerning the Nation's state law-based water rights claims. The Nation and the State reached agreement on surface irrigation rights to the Willow Creek and Boyd Ranches in July, and the Court approved the consent order September 3, 2008 (No. 9273).

2. A large number of facilities was discovered after reviewing aerial photographs of the properties purchased by the Nation; consequently, field inspections require more time than was anticipated when the Nation requested a first extension until October 31, 2008 (No. 9059). Reasons for another extension include the facts that some of the areas are closed for several months of the year due to hunting and other recreational activities, and most of the facilities are located in remote areas which require extra travel time.

3. The January 16, 2007, Scheduling and Procedural Order Governing the Outstanding Water Rights Claims of the Jicarilla Apache Nation (Docket No. 8561), as amended (No. 9060), should be amended further.

IT IS ORDERED, THEREFORE, that

1. The January 16, 2007 Order, as amended, should be amended further to extend the time for completion of the State's field inspections from October 31, 2008 to October 31, 2009;

2. The Nation and the State shall make all reasonable efforts to meet this deadline and shall report their progress at regular status conferences to the Special Master;

3. Parties which intend to participate in field inspections shall so inform the Nation and the State; and

4. Nothing in this Order shall be construed to prejudice any party's legal and/or factual claims or objections.

IT IS SO ORDERED.

*Vickie L. Gabin*

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Special Master